

**Applicant requests a Special Exception under Section 2.16.050 G (Builder Error, Side Yard Setback) in an R-5 (Residential) zone.**

This would permit a 0.3' encroachment into the westerly side yard setback for a new residential structure, to within 4.7' of the side property line.

The required side yard setback is 5 feet in the R-5 zone district.

**BACKGROUND**

Zia Homes has submitted a letter explaining the construction error in setting the forms.

**CALCULATIONS**

Required side yard setback = 5'

Requested side yard = 4.7'

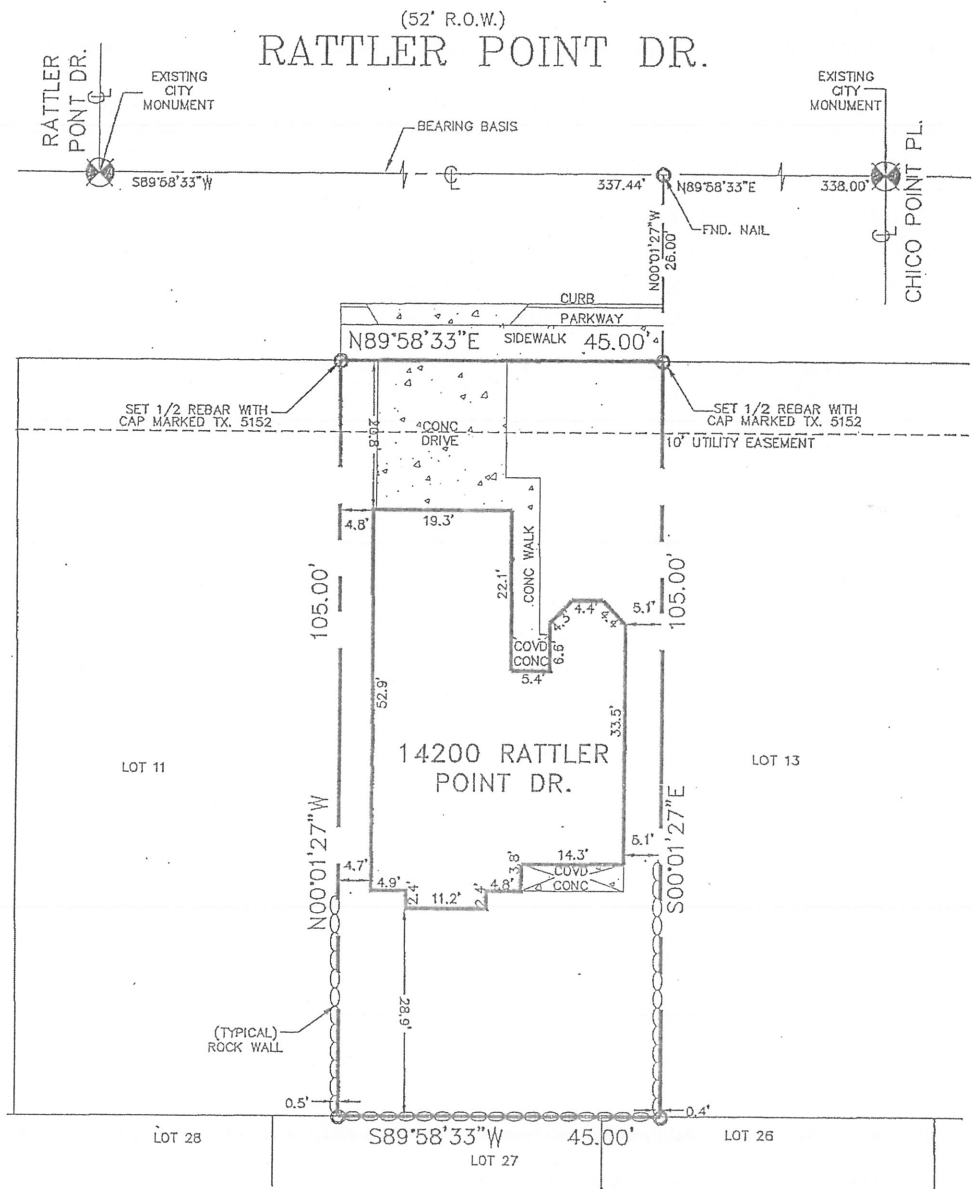
**STAFF RECOMMENDATION**

Staff recommendation is for approval of the request as it meets the requirements of the Special Exception G.

The Zoning Board of Adjustment is empowered under Section 2.16.050 G to:

"Permit the encroachment of the principal building or structure into the required yard setbacks in all districts, caused by an error in construction; provided, however, that:

1. The permitted encroachment into any front yard setback shall not exceed ten percent of the required setback, or one foot whichever is greater; and,
2. The permitted encroachment into any side yard or side street yard setback shall not exceed ten percent of the required setback or one foot whichever is greater; and,
3. The permitted encroachment into any rear yard setback shall not exceed fifteen percent of the required setback or one foot whichever is greater; and,
4. The owner shall demonstrate through testimony or documentation that the error causing the encroachment was inadvertent and not intentional; and,
5. The number of properties requesting encroachment permission under this section which involve the same builder, contractor, or owner shall not exceed three in any twelve-month period."



#### CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY  
WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THERE ARE NO  
ENCROACHMENTS EXCEPT AS SHOWN. ONLY PLATTED EASEMENTS ARE SHOWN.

RON R. CONDE R.P.L.S #5152

JOB # i1111-07	DATE: NOVEMBER 3, 2011	FIELD: M.R.	OFFICE: C.C.
LOCATED IN ZONE C	PANEL # 480212-0175B	DATED SEPT. 4, 1991	
RECORDED IN FILE NO. 20110014500, REAL PROPERTY RECORDS	EL PASO COUNTY, TX		



LOT 12, BLOCK 302  
TIERRA DEL ESTE UNIT SIXTY TWO  
CITY OF EL PASO, EL PASO COUNTY, TEXAS

CONDE INC.  
6080 SURETY SUITE 100  
EL PASO, TEXAS 79905

CADD FILE: S:\SU\11\i11107

SCALE: 1"=20'

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December 21, 2011

City of El Paso

Re: 14200 Rattler Point


To Whom It May Concern,

This letter is in reference to the property located at 14200 Rattler Point, Lot 12, Block 302, Tierra Del Este Unit 62. The house was set incorrectly. The setbacks on the right side of home are 4.7 ft. and 4.8 ft. (see attached). This was caused by a construction error at the time the forms were set.

Unfortunately the error was not discovered until the time the improvement survey was done by Conde Inc. on November 3, 2011. We have since verified the incorrect setback.

You will find that historically this is not a common occurrence with Zia Homes, Inc. We ask that this be taken into consideration in allowing for a resolution to this unfortunate incident. If you have any questions you may contact me at (915) 591-8153. Thank you.

Respectfully,

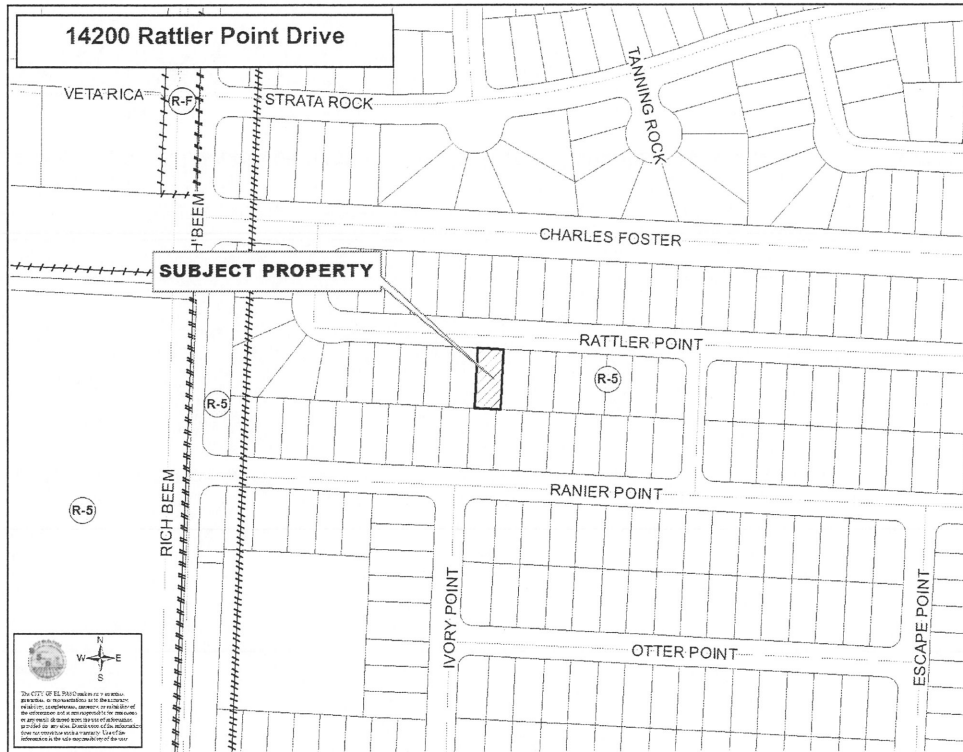


Ronald D. Costa  
President

**BUILDER ERROR LOG****For a 12 Month Period****February 14, 2011 to February 13, 2012**

<b>MEETING DATE</b>	<b>CASE NUMBER</b>	<b>ADDRESS</b>	<b>CONTRACTOR</b>
2/14/2011	None	-	-
3/14/2011	ZBA11-00005	14230 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00006	14232 Gil Reyes	Desert View Homes
3/14/2011	ZBA11-00007	14242 Gil Reyes	Desert View Homes
6/13/2011	PZBA11-00015	11217 Duster Street	Tropicana Homes
7/11/2011	PZBA11-00019	3125 Sunny Prairie	Xavier Homes
9/12/2011	PZBA11-00029	2808 Bear Rock Place	Zia Homes
11/14/2011	PZBA11-00036	2609 Tanning Rock Way	BIC Homes
2/13/2012	PZBA11-00040	14200 Rattler Point Drive	Zia Homes
2/13/2012	PZBA11-00041	14192 Rattler Point Drive	Zia Homes

## ZONING MAP



## NOTIFICATION MAP

